

**ORDINANCE NO. 012-2006**

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING AN INTERIM DEVELOPMENT ORDINANCE DEFERRING THE ACCEPTANCE OF APPLICATIONS FOR ALLOCATION OF BUILDING PERMITS UNDER THE RESIDENTIAL RATE OF GROWTH ORDINANCE (ROGO) UNTIL LAND DEVELOPMENT REGULATIONS TO IMPLEMENT GOAL 105 OF THE 2010 COMPREHENSIVE PLAN, THE TIER OVERLAY SYSTEM AND THE TIER OVERLAY DISTRICT MAPS ARE IN EFFECT OR UNTIL JULY 14, 2006, WHICH BEGINS A ROGO QUARTER, WHICHEVER COMES FIRST.

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**WHEREAS**, the Monroe County Board of County Commissioners, during seven public hearings held in December 2004, January, February, March, April, May, and June 2005, reviewed and considered the proposed amendments to utilize the Tier overlay maps as the basis for the ROGO point system, considered staff recommendations and public comments; and

**WHEREAS**, the Monroe County Board of County Commissioners makes the following Findings of Fact:

1. The Board of County Commissioners directed staff to prepare text and map amendments in Ordinance No. 018-2004 adopted June 16, 2004, to include Tier Overlay Map designations in accordance with Goal 105 and revisions to ROGO based on the Tier system utilizing a positive approach that predominately relies on land dedication and aggregation.
2. Goal 105 provides a framework for future development and land acquisition for the next 20 or more years, called the "Tier System", that considers the carrying capacity of the Florida Keys, reduces sprawl and promotes sustainability.
3. The designation of Tiers will be implemented through an overlay of the County's Land Use District Map, that will be referred to as the "Tier Overlay District Map" in the County Code.
4. The adoption and amendments to the Tier Overlay District Map will be in accordance with procedures for amending the Land Development Regulations in Section 9.5-511, Monroe County Code.
5. The utilization of the moratorium device as a temporary measure to facilitate government decision making, study and adoption of land development regulations is a legitimate government tool.

6. The purpose of this Interim Development Ordinance is to allow the Growth Management Division Staff to implement an internal system in preparation for the adoption of a new ROGO scoring system.

7. The implementation of a new ROGO scoring system will require the rescoring of all ROGO applications currently in the system which have not received an allocation by the effective date of the new scoring system.

8. There are currently approximately 600 applications in the existing ROGO system that have not received an allocation.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:**

**Section 1.** The effective date of this Interim Development Ordinance shall be March 15, 2006.

**Section 2.** Commencing on the effective date of this Ordinance, the Monroe County Growth Management Division shall defer acceptance of applications for allocation of building permits under the Residential Rate of Growth Ordinance (ROGO) (Monroe County Code of Ordinances, Section 9.5-120, et. seq.).

**Section 3.** Any ROGO application with a submittal date of March 14, 2006 or earlier shall be exempt from this Interim Development Ordinance.

**Section 4.** Pursuant to its lawful authority and the pending legislation doctrine as set forth in *Smith vs. City of Clearwater*, 383 So 2d 681 (Fla. 2d DCA, 1980), the Board of County Commissioners hereby establishes the interim development regulations set forth in this Ordinance, which shall remain in full force and effect until the Land Development Regulations to implement Goal 105 of the 2010 Comprehensive Plan, the Tier Overlay System and the Tier Overlay District Maps are in effect or until the ROGO Quarter beginning July 14, 2006, whichever comes first.

**Section 5.** If any section, subsection, sentence, clause, item, charge or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

**Section 6.** All ordinance or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

**Section 7.** The ordinance is hereby transmitted to the Florida Department of Community Affairs pursuant to Chapter 163 and 380, Florida Statutes.

**Section 8.** This ordinance shall be filed in the Office of the Secretary of State of the State of Florida.

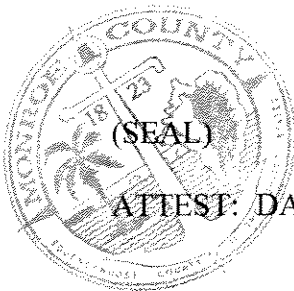
**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the 15<sup>th</sup> day of March, 2006.

Mayor Charles "Sonny" McCoy  
Mayor Pro Tem Murray Nelson  
Commissioner Dixie Spehar  
Commissioner George Neugent  
Commissioner David Rice

Not Present
<u>Yes</u>
<u>Yes</u>
<u>Yes</u>
<u>Not Present</u>

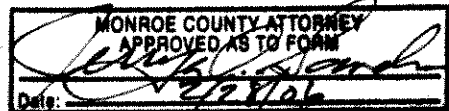
BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

BY   
MAYOR



(SEAL)  
ATTEST: DANNY L. KOLHAGE, CLERK

  
DEPUTY CLERK



FILED FOR RECORD  
2006 MAR 23 AM 8:54  
DANNY L. KOLHAGE  
CLK. CIR. CL.  
MONROE COUNTY, FLA.